IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6724 of 2007()

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CC.918/2007 of J.M.F.C.-III,TRIVANDRUM

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: PETITIONER/ACCUSED:

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SAJI, S/O. KARUNAKARAN,
SAJI BHAVAN, PULLATTUKARI, KAZHAKUTTAM,
MENONKULAM VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU

RESPONDENTS:

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STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THAMPANOOR POLICE STATION THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.6724 of 2007**

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**Dated this the 5th day of November, 2007**

**ORDER**

Application for anticipatory bail. The petitioner faces allegations for offences punishable, inter alia, under Section 471 I.P.C. The crux of the allegations against the petitioner is that he presented a forged cheque and withdrew an amount of Rs.1 lakh from the bank. The petitioner had earlier come to this Court with a prayer to direct investigation to be conducted by the Vigilance Department or some other independent agency. It is submitted that, later the investigation was continued by the local police. Investigation is now complete. Final report has already been filed. Cognizance has been taken by the learned Magistrate. A warrant of arrest has been issued against the petitioner. The petitioner is willing to surrender before the learned Magistrate and seek regular bail, but he apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 438 and/or 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances

under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This application for anticipatory bail is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

**(R.BASANT, JUDGE)**

rtr/-